

REMARKS

1. In the above referenced Office Action, the Examiner rejected claims 11-13, 15-17, 40, 42-43, 45-47, 69-71 and 73-75 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555); and claims 18-20, 41, 48-50 and 76-78 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555); and claims 14, 44 and 72 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555) and further in view of Pack (U.S. Patent No. 7,337,457).

Claims 11-20, 40-50 and 69-78 are currently pending in this application. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 11-20, 40-50 and 69-78.

2. As discussed above, claim 11 was rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 11 includes the following:

“responsive to determining to supply the alternate content to the user of the interactive television service, sending the alternate content to the terminal device located at the premises of the user;
generating a hot key signal indicating availability of the alternate content; and
inserting the hot key signal into a content signal transmitted to the user from the interactive television service provider via a network with which the user and the interactive television service provider are connected;
wherein the hot key signal causes instructions to present for display an on-screen image overlaid on the video content, wherein the on-screen-image indicates availability of the alternate content, and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content.”

In pertinent part,

- (1) alternate content is sent to the terminal device;
- (2) a hot key signal causes instructions to present for display an on-screen image indicating the availability of the alternate content;
- (3) selection of the on-screen image results in the alternative content being retrieved from the terminal device.

In particular, alternate content is sent to the terminal device before the hot key signal indicates the availability of the alternate content.

In setting forth the basis of the rejection, the Examiner admits that Watts fails to disclose allowing a user to select an on-screen image by the user resulting in the terminal device supplying the alternate content, and instead, relies on Shoff for the disclosure of this feature. In contrast however, Shoff either retrieves additional content after displaying an icon indicating its availability (see FIG. 6 and the accompanying portions of the specification -- step 174 occurs after step 162), or the data can be retrieved from CD-ROM, in which case it is also not sent to the terminal device before the hot key signal indicates the availability of the alternate content, the data on the CD-ROM is read-only and is merely read from the disk. Shoff only sends a target specification such as a pointer to the alternate content. Shoff does not send the alternate content itself, before the hot key signal indicates the availability of the alternate content.

Further, while claims 14 and 18-20 were also rejected based on combinations of Watts and Shoff with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above. In particular, while Pack presents the display of a menu of URLs, these URLs are displayed in response to a viewer's activation of a "Web-Surfing" button. Pack does not cause instructions to present for display an on-screen image, wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content. Further, Pack's URL menu is displayed over a still image, not "video content" as recited in amended claim 11.

For these reasons, claim 11 and claims 12-20 that depend therefrom, are patentably distinct from the prior art.

3. As discussed above, claim 40 was also rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 40 includes the following:

responsive to determining to supply alternate content to one or more users to an interactive television service, send the alternate content to the

terminal device located at the premises of the one or more users, and generate a hot key signal indicating availability of the alternate content; wherein the hot key signal causes instructions to present for display an on-screen image overlaid on a television program that is displayed based on the content signals, wherein the on-screen-image indicates availability of the alternate content, and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content.

For similar reasons as presented in conjunction with claim 11, claim 40 and claims 41-50 that depend therefrom, are patentably distinct from the prior art. Further, while claims 41, 44 and 48-50 were also rejected based on combinations of Watts and Shoff with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above.

4. As discussed above, claim 69 was also rejected under 35 USC § 102 (b) as being anticipated by Watts (U.S. Patent No. 6,324,694). Claim 69 includes the following:

“responsive to determining to supply alternate content to one or more users to an interactive television service, send the alternate content to the terminal device located at the premises of the one or more users;
generate a hot key signal indicating availability of the alternate content; and insert the hot key signal into a content signal transmitted to the one or more users from an interactive television service provider via a network with which the one or more users and the interactive television service provider are connected;
wherein the hot key signal causes instructions to present for display an on-screen image overlaid on a television program that is displayed based on the content signal, wherein the on-screen-image indicates availability of the alternate content, and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content.”

For similar reasons as presented in conjunction with claim 11, claim 69 and claims 70-78 that depend therefrom, are patentably distinct from the prior art. Further, while claims 72, and 76-78 were also rejected based on combinations of Watts and Shoff with Pack (U.S. Patent No. 7,337,457) or Official Notice, these combinations do not correct the deficiency of Watts as discussed above.

Conclusions

For the foregoing reasons, claims 11-20, 40-50 and 69-78 are in condition for allowance and Applicant respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT02329).

RESPECTFULLY SUBMITTED,

By: /Bruce E. Stuckman reg. 36,693/
Bruce E. Stuckman
Phone: (512) 241-8444
Fax No. (512) 241-8445